

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MIRIAM PETERS-DINGLE,

Plaintiff,

COMPLAINT

-against-

PLAINTIFF DEMANDS

TRIAL BY JURY

LONG ISLAND RAILROAD COMPANY,

Defendant.

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Plaintiff, by her attorney, FREDRIC M. GOLD PC, complaining of the defendant, respectfully shows to this Court and alleges:

1. The action herein arises under the Federal Employer's Liability Act (45 U.S.C. Sec. 51 et al.).

2. Upon information and belief and at all times herein mentioned, the defendant was a public benefit corporation organized and existing under and by virtue of the laws of the State of New York.

3. Upon information and belief and at all times herein mentioned, the defendant had been and still is doing business in the County of Queens, State of New York, within the jurisdiction of this Court.

4. At all times herein mentioned, the defendant was and now is a common carrier by rail engaged in interstate commerce between different states in the United States.

5. That on or about May 18, 2019 and at all times hereinafter mentioned the defendant employed the plaintiff as a Car Repairman in furtherance of its business in interstate commerce.

6. That on or about May 18, 2019 and at all times hereinafter mentioned, the defendant maintained and controlled railroad operations in the County of Queens, in the State of New York, including offices, tracks, rails, tunnels, switches, sidings, roadbeds and appurtenances thereto, over through and upon which the defendant operated its engines, trains and cars under its direction and control.

7. That on or about May 18, 2019 and at all times hereinafter mentioned, while the plaintiff, as an employee of the defendant, was in the performance of her duties as a Car Repairman at or near the aforesaid location, she was caused to sustain severe and disabling injuries as a result of the negligence, carelessness and recklessness of the defendant in failing to provide her with a safe place in which to work as hereinafter set forth.

8. That on or about May 18, 2019 and at all times hereinafter mentioned, while the plaintiff was replacing a brake shoe and as she squatted down to take the brake shoe out of the shoe hanger, the brake shoe fell and crushed her left ring finger.

9. That said accident and resulting injuries to the plaintiff were caused solely by reason of the negligence, carelessness and recklessness of the defendant, its agents, servants and/or employees' in failing to exercise due care and diligence; in failing to provide plaintiff with a safe place to work and safe equipment with which to work; in failing to promulgate safety rules and procedures for activities carried out by their personnel at the aforesaid place; in failing to warn plaintiff of the existence of the dangers involved in the performance of her duties as a Car Repairman; in failing to have adequate procedures in place for the assigned task; in failing to have the train car involved in the accident placed over a pit or raised on a lift before plaintiff was assigned the task of removing the brake shoe; and in failing to observe and enforce proper and safe rules for the safe conduct of the work operation of the railroad.

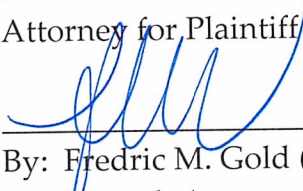
10. That the said injuries were incurred while the plaintiff was acting in furtherance of interstate commerce, or in work substantially affecting the same.

11. That the plaintiff was damaged in a sum in excess of SEVENTY-FIVE THOUSAND (\$75,000.00).

WHEREFORE, plaintiff demands judgment against defendant THE LONG ISLAND RAILROAD COMPANY, in a sum in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) together with costs and disbursements.

Dated: New York, New York  
January 5, 2022

FREDRIC M. GOLD, PC  
Attorney for Plaintiff



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